

Remarks/Arguments:

With the present response, claims 1, 3-8, 10, 11, 17, 30-33, 47, and 51 are under examination. Claims 9, 12-16, 18-29, 48, and 50 are withdrawn from examination. Method claims 34-46 and 49 have been canceled. The Examiner is thanked for the indication that claims 7, 8, and 17 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Claim rejections under 35 U.S.C. §102

Claims 1, 3-6, 10, 11, 30, and 47 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,068,634 to Lorentzen Cornelius et al. ("Cornelius").

Rejection of independent claim 1

Claim 1 recites, *inter alia*, an introducer, having a retrograde portion and an anterograde portion, for deployment of an endoluminal device in a body lumen in a distal location from a proximal location, the device having a compressed configuration and an expanded configuration. The introducer comprises a shaft having a distal tip, *an inner sheath mounted concentrically over the shaft*, wherein the endoluminal device is mounted concentrically over the inner sheath in the compressed configuration. The introducer further includes *anchoring means* in at least one of the retrograde portion or the anterograde portion for anchoring the endoluminal device proximal end after expansion of the proximal end into the expanded configuration in the body lumen and for minimizing relative axial movement between the proximal end of the device and the body lumen during unsheathing of a remaining portion of the endoluminal device distal of the proximal end.

In order to anticipate a claim under 35 U.S.C. §102, the reference must teach every element of the claim. M.P.E.P. §2131. Furthermore, "the identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989) (Emphasis added) and M.P.E.P. §2131.

The Office Action interprets the claimed inner sheath as being comprised of tube 16 and balloon 14. Office Action, page 2, lines 15-16. The Office Action then proceeds to interpret the claimed anchoring means as the balloon. Office Action, page 2, lines 16-19. Claim 1, however, recites two separate elements, an inner sheath and an anchoring means. The balloon, therefore, teaches *either* the inner sheath (in combination with tube 16) *or* the anchoring

means, but does not teach both the inner sheath *and* the anchoring means. If the balloon is selected to recite one of the inner sheath and the anchoring means, Applicants respectfully submit that Cornelius fails to disclose or suggest the other of the inner sheath and the anchoring means. Because Cornelius fails to disclose or suggest all of the elements of claim 1, Applicants respectfully submit that the rejection of claim 1 is improper. Applicants respectfully request reconsideration and allowance of claim 1.

Claims 3-6, 10, 11, and 30 all ultimately depend from claim 1 and Applicants respectfully submit that these claims are patentable over the cited prior art for at least the same reasons as set forth above with respect to claim 1. Applicants respectfully request reconsideration and allowance of claims 3-6, 10, 11, and 30.

Rejection of independent claim 47

Amended claim 47 recites, *inter alia*, an introducer for deployment of an endoluminal device in a body lumen in a distal location from a proximal location, the device having a compressed configuration and an expanded configuration. The introducer comprises a retrograde portion and an anterograde portion comprising a distal tip and an anterograde sheath attached proximally to the distal tip and mounted over at least a distal portion of the endoluminal device in the anterograde portion of the introducer. A shaft is attached to the distal tip and extending concentrically through a central lumen defined by the anterograde portion and retrograde portion. An *inner sheath* is mounted concentrically over the shaft, wherein the endoluminal device is mounted concentrically over the inner sheath in the compressed configuration. An endoluminal device is mounted concentrically over the shaft in the central lumen and has a distal portion contained by the anterograde portion and a proximal end contained by the retrograde portion. An *inflatable balloon* is mounted radially inside only the retrograde portion and sized to anchor the endoluminal device proximal end against the body lumen after expansion of the proximal end into the expanded configuration to minimize relative axial movement between the proximal end of the device and the body lumen during unsheathing of the endoluminal device distal portion.

Similar to the argument above with respect to claim 1, amended claim 47 recites separate elements of *both* an inner sheath *and* an inflatable balloon. Applicants respectfully submit that the balloon disclosed in Cornelius can be interpreted as either the balloon or the inner sheath, but not *both* the balloon and the inner sheath.

Applicants submit that Cornelius fails to disclose or suggest all of the elements of amended claim 47 and that amended claim 47 is patentable over Cornelius for at least the same reasons as set forth above with respect to claim 1. Applicants therefore respectfully request reconsideration and allowance of claim 47.

Claim Rejections under 35 U.S.C. §103(a)

Claims 31-33, 47 and 51 stand rejected under 35 U.S.C. §103(a) as unpatentable over Cornelius in view of U.S. Patent No. 5,201,757 to Heyn and U.S. Patent No. 6,056,759 to Fiedler. Claims 31-33 and 51 ultimately depend from claim 1. Applicants respectfully submit that claims 31-33 and 51 are patentable over the cited prior art for at least the same reasons as set forth above with respect to claim 1. Reconsideration and allowance of claims 31-33 and 51 is respectfully requested.

Regarding independent claim 47, the claim has been amended to recite the further limitation of "an inflatable balloon mounted radially inside *only* the retrograde portion and sized to anchor the endoluminal device proximal end against the body lumen after expansion of the proximal end into the expanded configuration." Cornelius discloses a balloon 20 that is mounted partially within the retrograde portion and partially within the anterograde portion. See Heyn, Figs. 1-4, 9, and 10-15. Cornelius fails to disclose or suggest a balloon mounted radially inside *only* the retrograde portion, as is recited in amended claim 47. Heyn discloses a balloon 20 that is mounted partially within the retrograde portion and partially within the anterograde portion. See Heyn, FIG. 12. While Fiedler discloses bellows that are located in only the retrograde portion (see Fiedler, FIG. 5), Fiedler fails to disclose or suggest an inflatable balloon that is sized to anchor the endoluminal device proximal end against the body lumen after expansion of the proximal end into the expanded configuration.

Because the proposed combination of Cornelius with Heyn and Fiedler still fails to provide all of the elements of amended claim 47, Applicants respectfully submit that the Office Action fails to provide a *prima facie* case of obviousness. Applicants respectfully request reconsideration and allowance of claim 47.

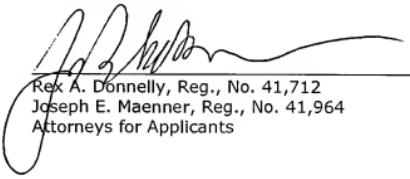
Withdrawn claims

Claims 9, 12-16, 18-29, 48, and 50 are presently withdrawn. For withdrawn claims dependent upon claims deemed to be allowed in the next Office Action, Applicants respectfully request reintroduction and allowance of these claims.

Conclusion

In light of the above arguments, Applicants respectfully submit that the present application is in condition for allowance. Prompt reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,



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